PUBLIC GUARDIAN AND TRUSTEE OF BRITISH COLUMBIA

CHILD AND YOUTH GUARDIANSHIP SERVICES 2013–2014 REPORT

VALUES

Seven major values underpin the work of the Public Guardian and Trustee (PGT) and are reflected in all aspects of PGT performance:

INNOVATION
We challenge ourselves to seek new and improved ways to deliver service and assist clients.
INTEGRITY
We act in accordance with the highest ethical, legal and personal standards.
STAFF SUPPORT
We acknowledge staff as our greatest resource and recognize and appreciate their expertise, professionalism and commitment.
CLIENT CENTRED SERVICE
We constantly strive to provide quality customer service to our clients who are the focus of our services.
OPENNESS
We demonstrate responsibility and transparency to clients, government and the public through annual statutory public reporting on all aspects of our performance.
TEAMWORK
We work with one another and with service partners in striving for seamless service delivery.
RESPECT
We treat clients, their family and friends in a courteous, respectful manner.

TABLE OF CONTENTS

MESSAGE FROM THE PUBLIC GUARDIAN AND TRUSTEE 3

CHILD PROTECTION AND GUARDIANSHIP 4

INTRODUCTION 6

- PGT OVERVIEW 6
- PGT CHILD AND YOUTH SERVICES 7
- PUBLIC GUARDIANSHIP SERVICES IN BC 7

PGT PROPERTY GUARDIANSHIP SERVICES 8

FINANCIAL SERVICES 10

CRITICAL INCIDENT REPORTS 12

LEGAL SERVICES 16

TRANSITION SERVICES 20

COMMUNITY ENGAGEMENT AND OUTREACH 21

CHALLENGES IN THE YEAR AHEAD 22

- ACCESS TO INFORMATION 22
- LAW REFORM 23
- ENHANCED TRANSITION SUPPORT 23

PGT CLASSIFICATION OF CRITICAL INCIDENT REPORTS 24

MESSAGE FROM THE PUBLIC GUARDIAN AND TRUSTEE

I am pleased to issue the sixth annual report on Child and Youth Guardianship Services of the Public Guardian and Trustee (PGT). This report describes the role of the PGT as property guardian of children and youth in the continuing care of the province and the activities undertaken on their behalf. As property guardian, the PGT's mandate is to protect the legal and financial interests of children in care, many of whom have experienced significant life challenges and difficulties. Through its services, the PGT strives to create the potential for a positive future for these young people.

The PGT's duties as property guardian include pursuing financial benefits to which a child may be entitled, acting to preserve or advance a child's legal and property interests and serving as trustee of property. Over the last seven years, the legal work conducted by the PGT has resulted in collecting more than $9 million from judgments or settlements for property guardian clients. During this period, the PGT also established Registered Disability Savings Plans for its eligible child and youth clients allowing them to take advantage of federal grants available to beneficiaries of registered plans. At March 31, 2014, the PGT was administering $3.6 million in Registered Disability Savings Plans for property guardian clients. The work carried out by the PGT to secure financial benefits for children and youth in care has resulted in an increase over the last seven years in the number of young PGT clients who have financial assets. More youth leaving care now have access to financial resources of their own which hopefully will increase the potential for them to be financially stable as adults with more opportunity to pursue their goals.

This year's report features "PGT in Action" stories which highlight various aspects of the work that PGT staff do on behalf of children and youth in care. The stories provide real life examples of how PGT property guardianship services impact children and youth.

There remains much work to do to support the interests of our property guardian clients and PGT staff continue to seek creative ways to maximize our organizational capacity and strengthen bonds with our coguardians and involved community partners to meet clients' needs. I and all PGT staff are looking forward to continuing our efforts to provide quality property guardianship services to British Columbia's children and youth.

Catherine M. Romanko
Public Guardian and Trustee

CHILD PROTECTION AND GUARDIANSHIP

The delivery of child protection and guardianship services in British Columbia involves the following public agencies, government bodies and courts. While all share the common goal of supporting children at risk, each has a unique role.

PUBLIC GUARDIAN AND TRUSTEE (PGT)
As property guardian, protects the legal and financial interests of children and youth in continuing care and is coguardian with MCFD and DAAs of these children.

MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT (MCFD) As personal guardian, takes children at risk into care and ensures their day to day needs are met; is coguardian with the PGT for children and youth in continuing care.

DELEGATED ABORIGINAL CHILD AND FAMILY SERVICE AGENCIES (DAAs) Aboriginal agencies with statutory delegated authority for child protective services for Aboriginal children and youth at risk as well as non statutory voluntary services; some DAAs have personal guardian responsibilities and are coguardian with the PGT for children and youth in continuing care.

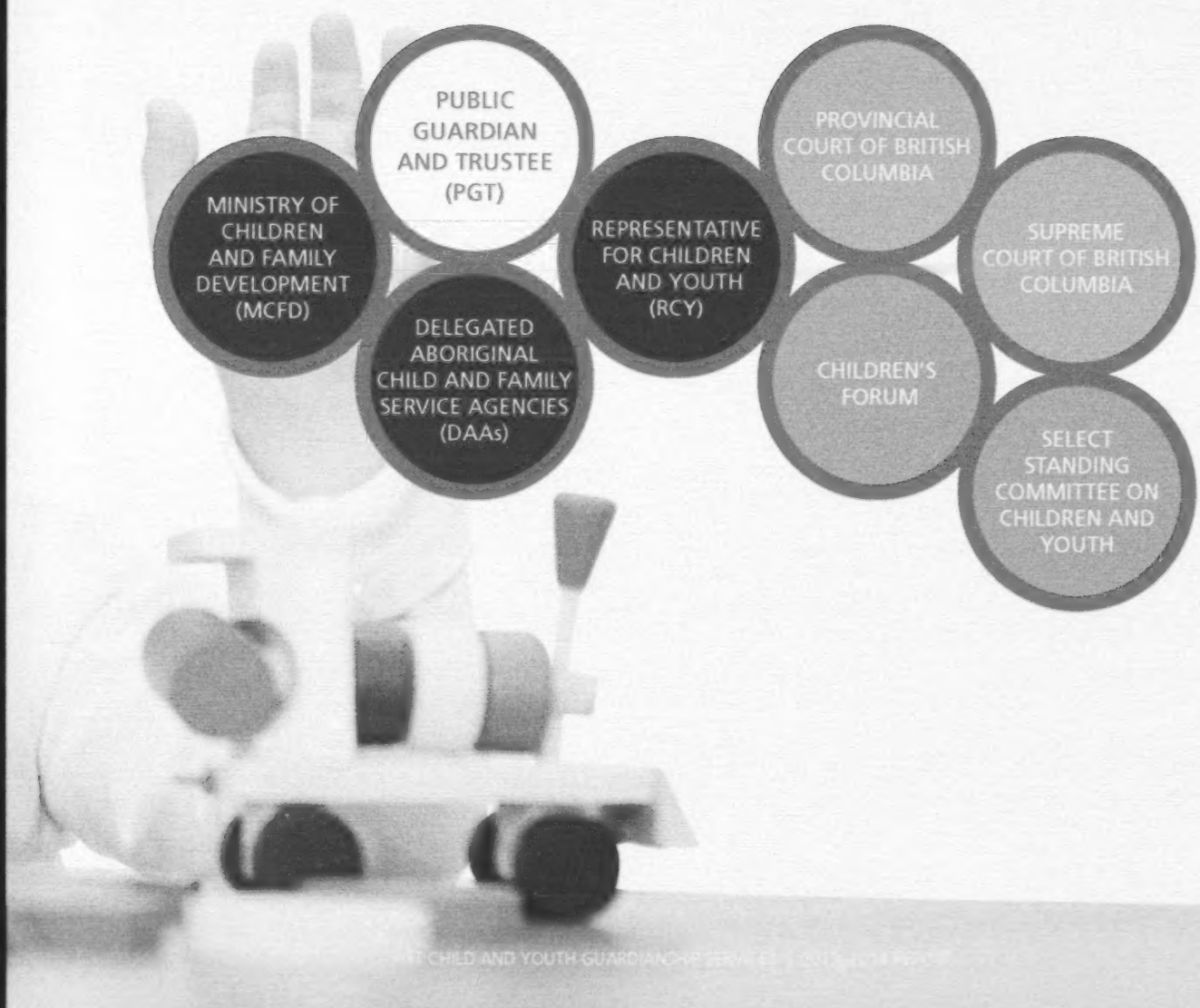
REPRESENTATIVE FOR CHILDREN AND YOUTH (RCY) The Representative is responsible for supporting children, youth, young adults and their families in dealing with the child and youth serving system, for advocating for improvements to the system and for providing oversight of public bodies that deliver services and programs to children and youth.

PROVINCIAL COURT OF BRITISH COLUMBIA
With respect to matters of property guardian, the Provincial Court grants child protection orders, including continuing custody orders, may order transfer of guardianship, and adjudicates small claims involving personal injury.

SUPREME COURT OF BRITISH COLUMBIA
With respect to matters of property guardian, the Supreme Court may hear matters of custody, property interests and claims for damages for personal injury.

CHILDREN'S FORUM An information sharing forum for BC senior officials with an interest in child protection and related services; includes the PGT, MCFD, RCY, Chief Coroner, Provincial Health Officer and Ombudsperson.

SELECT STANDING COMMITTEE ON CHILDREN AND YOUTH A committee established by the BC Legislature to provide legislative oversight on provincial services to children.


PUBLIC GUARDIAN AND TRUSTEE (PGT)
MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT (MCFD)
DELEGATED ABORIGINAL CHILD AND FAMILY SERVICE AGENCIES (DAAs)
REPRESENTATIVE FOR CHILDREN AND YOUTH (RCY)
PROVINCIAL COURT OF BRITISH COLUMBIA
SUPREME COURT OF BRITISH COLUMBIA
CHILDREN'S FORUM
SELECT STANDING COMMITTEE ON CHILDREN AND YOUTH

INTRODUCTION

This is the sixth annual report regarding child and youth property guardian services provided by the Public Guardian and Trustee (PGT). The purpose of this report, which covers the period April 1, 2013 to March 31, 2014, is to describe the PGT services, key activities and outcomes related to supporting children and youth in continuing care of the province of British Columbia. The report also outlines emerging and continuing opportunities and challenges related to serving children and youth as property guardian.

PGT OVERVIEW

The PGT is a corporation sole established under the *Public Guardian and Trustee Act* with a unique statutory role to protect the interests of British Columbians who lack legal capacity to protect their own interests. The mandate of the PGT is to:

- Protect the legal and financial interests of children under the age of 19 years;
- Protect the legal, financial and in some cases personal and health care interests of adults who require assistance in decision making; and
- Administer the estates of deceased and missing persons.

The PGT provides services with 250 dedicated staff. As of March 31, 2014, it managed $887 million of client assets and had served approximately 28,700 clients throughout 2013-2014. The PGT is largely funded by fees charged to clients and also receives voted funds from the BC provincial government.

PGT CHILD AND YOUTH SERVICES

The PGT, through its **Child and Youth Services (CYS)**, acts on behalf of children and youth under a number of provincial laws. CYS responsibilities can be grouped into the three broad service categories of property guardian, trustee and protective legal reviews.

PROPERTY GUARDIAN As property guardian, the PGT protects the legal and financial interests of children and youth in the continuing care of the province, those undergoing adoption, orphans, and in some limited cases, children in temporary care.

5,652 CLIENTS in 2013–2014

TRUSTEE As trustee, the PGT invests and manages funds for children and youth from a number of different sources, including personal injury settlements or court awards, life insurance payments, inheritances and part of the wages paid to child and youth actors. Funds are typically held in trust until children and youth turn 19, but may be used earlier if it is in the best interests of the child or youth.

10,033 CLIENTS in 2013–2014

PROTECTIVE LEGAL REVIEWS In conducting protective legal reviews, the PGT reviews all proposed settlements of claims of children and youth for personal injury, a variation of a will or trust and claims made under the *Family Compensation Act* to ensure outcomes are in the best interests of the child or youth at issue.

The most common claims reviewed by the PGT relate to motor vehicle accidents. The PGT also investigates concerns about trusts and estates in which children or youth may have an interest.

3,224 CLIENTS in 2013–2014

PGT guardianship duties and its trustee duties respecting children and youth may overlap in some cases where, for example, a child or youth in continuing care is also the beneficiary of an estate. In such cases, the PGT is property guardian for the child or youth and also acts as trustee of the funds.

PUBLIC GUARDIANSHIP SERVICES IN BC

When children lose their parents or legal guardians and have no one to provide guardianship protection to them, the province assumes the duties of guardian. These children and youth are among the most vulnerable members of society. BC law divides the duties of public guardianship into two parts:

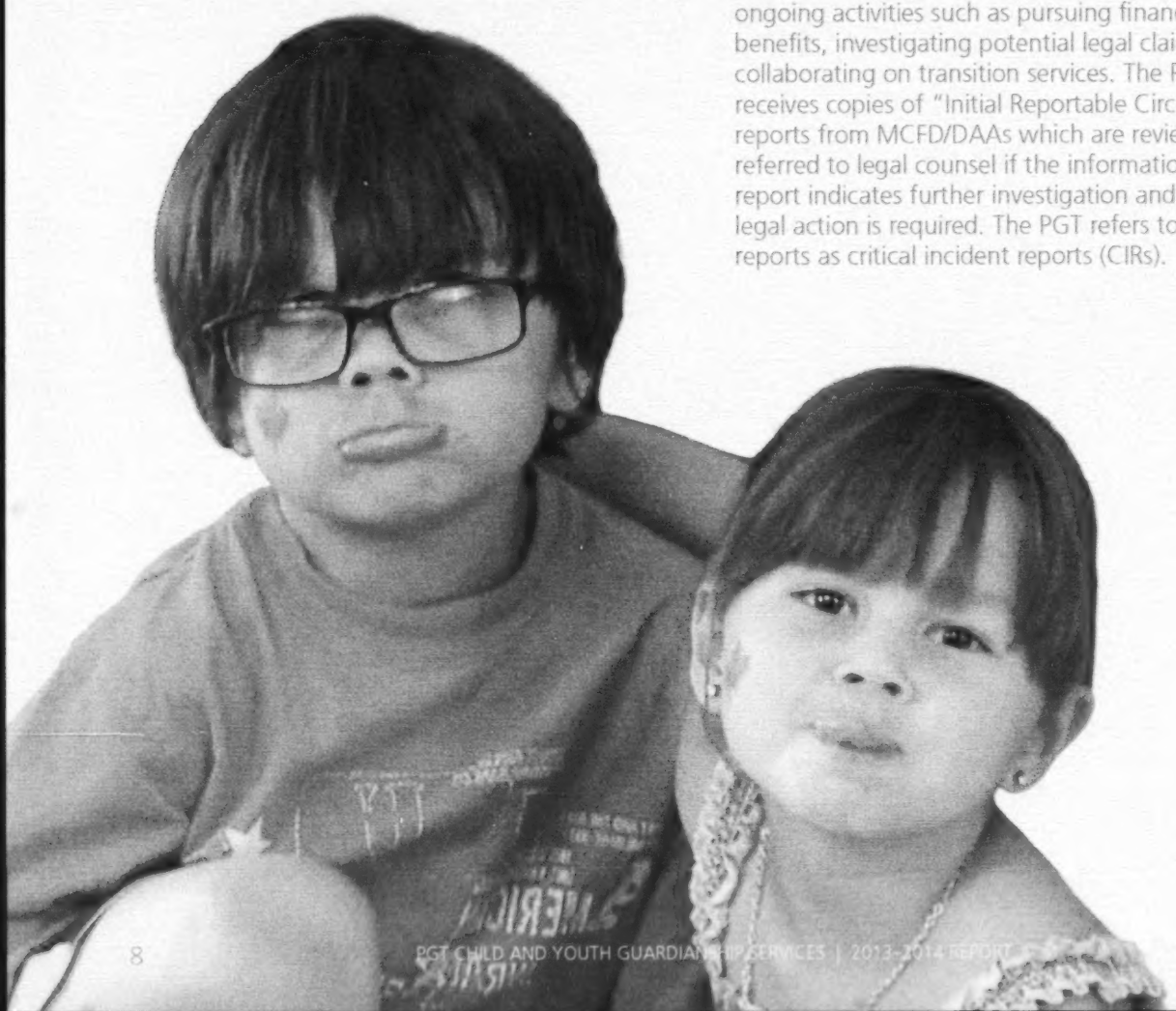
- **PERSONAL GUARDIANSHIP** – the duty to find safe homes for children and youth and to make decisions about their personal and health care needs. This role is taken on by MCFD or DAAs.
- **PROPERTY GUARDIANSHIP** – the duty to look after the financial and legal interests of the children and youth. This role is performed by the PGT.

Guardianship duties are divided because of the inherent conflict of interest between the duties of the personal and property guardians. In some cases, protecting the legal and financial interests of a child or youth may require taking legal action against the coguardian in situations where coguardian negligence may have caused injury or loss to a child or youth.

PGT PROPERTY GUARDIANSHIP SERVICES

The PGT is property guardian for all child and youth who are in the continuing care of the province under the child protection provisions of the *Child, Family and Community Service Act*, undergoing adoption, without a legal guardian, or for whom the court has ordered the PGT be property guardian under a temporary custody order.

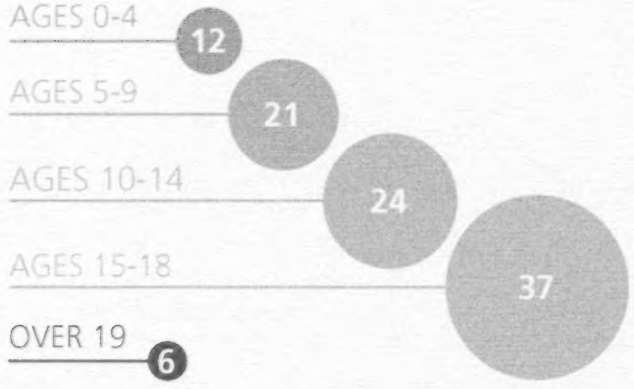
There are 46 PGT staff positions that provide all CYS services, including property guardianship services. Collaboratively, staff ensure that all financial benefits to which individual child and youth clients are entitled are collected and viable legal claims are pursued. In order to carry out many of its property guardianship duties, the PGT relies extensively on information it receives from MCFD and DAAs, particularly from social workers who have day to day interactions both with the children and youth for whom they are personal guardian as well as their caregivers. There are numerous ways in which the PGT receives information from MCFD/DAAs about legal and financial issues for children and youth. The information received may pertain to the current circumstances of the child or youth but can also be information regarding past events. There are several communications processes in place to facilitate information sharing between the PGT and MCFD and DAAs as coguardians. MCFD forwards a monthly demographic report which advise the PGT which children and youth are in continuing care. Once aware of this, the PGT requests that MCFD/DAAs complete an initial information form about the child or youth. That form asks for information about legal or financial issues involving the child or youth. In subsequent years, annual reviews are sent to MCFD/DAAs in which the PGT shares information about property guardianship services provided over the course of the year and requests information from MCFD/DAAs about any new issues which may have arisen for the child or youth. These reviews support ongoing activities such as pursuing financial benefits, investigating potential legal claims and collaborating on transition services. The PGT also receives copies of "Initial Reportable Circumstance" reports from MCFD/DAAs which are reviewed and referred to legal counsel if the information in the report indicates further investigation and possible legal action is required. The PGT refers to these reports as critical incident reports (CIRs).

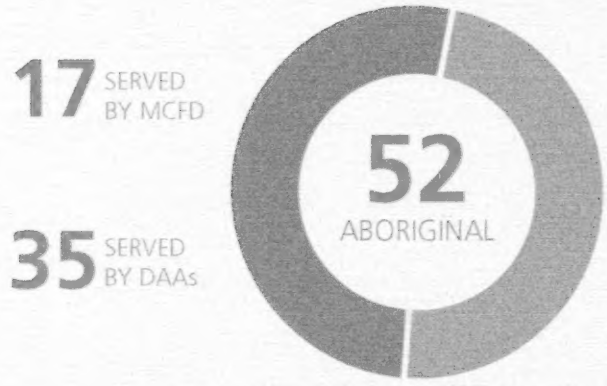


PGT property guardianship services end by law when the child reaches 19 years of age, when the child is adopted or when guardianship of the child is transferred or when the child is returned to the parent(s). In all of these circumstances, a complete file review is performed to ensure that all pertinent information is communicated and if needed, appropriate supports are in place for the child or youth with respect to the ongoing management of their finances and/or legal issues.

The following sections of this report describe the key activities and outcomes for the year April 1, 2013 to March 31, 2014.

IF THE PGT PROPERTY GUARDIAN CLIENTS (AT MARCH 31, 2014) WERE IMAGINED AS A VILLAGE OF 100 CLIENTS, THEN:





NOTE: ALL DATA IN THIS REPORT IS DERIVED FROM PGT SOURCES, EXCEPT FOR INFORMATION REGARDING ABORIGINAL IDENTITY, *WHICH IS PROVIDED BY MCFD.*

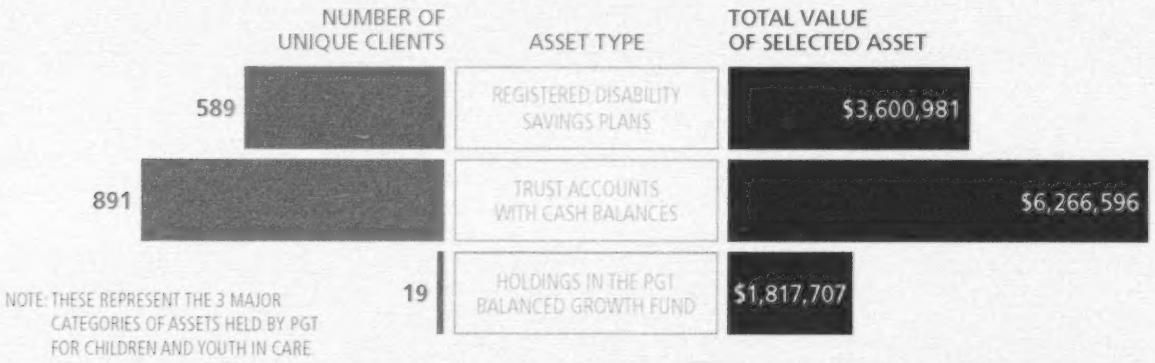
FINANCIAL SERVICES

The PGT pursuit of financial benefits and entitlements is generating financial assets for growing numbers of children and youth who the PGT serves as property guardian. At March 31, 2014, the PGT held almost $11.7 million in assets on behalf of children and youth from a variety of sources.

A key area of focus for the PGT has been to establish Registered Disability Savings Plans (RDSP) for children and youth who have received their Disability Tax Credit designation with the federal government. The PGT is committed to advancing the interests of its property guardian clients by collecting the federal funds associated with the RDSP program which take the form of matching grants, with a lifetime limit of $70,000, and annual bonds, with a lifetime limit of $20,000.

An RDSP is a tax deferred savings plan intended to provide significant long term financial benefits to adults and children or youth with disabilities. As of March 31, 2014, the PGT had established 589 RDSPs for eligible children and youth valued at $3.6 million. Established accounts continue to grow as the PGT secures the annual $1,000 bond for each eligible child or youth.

MAJOR CATEGORIES OF ASSETS AT MARCH 31, 2014



NOTE: THESE REPRESENT THE 3 MAJOR CATEGORIES OF ASSETS HELD BY PGT FOR CHILDREN AND YOUTH IN CARE.

THE PGT IN ACTION

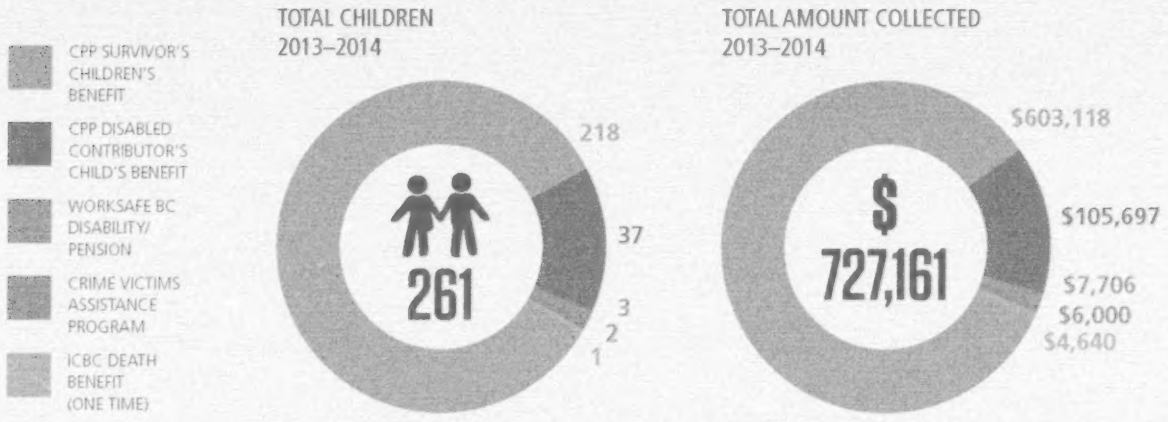
RDSP Lean Project

When the federal government introduced RDSPs in late 2008, the PGT acted immediately to establish RDSPs for its eligible child and youth clients. Ongoing challenges associated with establishing RDSPs were highlighted when a high percentage of the initial applications were rejected.

The PGT responded directly, engaging numerous federal, provincial, Aboriginal, non profit and private sector organizations to develop solutions. It resubmitted the rejected applications.

Over the past year, the PGT applied Lean methodology to restructure internal RDSP processes to streamline the process for RDSP applications, contributions, transfers and closures. Using Lean methodology, the project successfully reduced processing time while improving accuracy, speed, and accessibility of information such that the PGT is better positioned to support and encourage RDSP contributions.

FINANCIAL BENEFITS COLLECTED 2013–2014



In 2013–2014, communication and information sharing within First Nations bands was enhanced and streamlined in order to increase awareness of the PGT role and responsibilities with respect to children and youth and to ensure all benefit entitlements for which a child may be eligible are investigated and secured.

The PGT pursued and collected over $725,000 in various financial entitlements and benefits on behalf of children and youth in 2013–2014. These entitlements include estate proceeds, life insurance proceeds, death benefits, Aboriginal band benefits, private pensions and various federal and provincial government benefits. Legal actions brought by the PGT on behalf of children and youth, including personal injury claims, have resulted in the collection of nearly $275,000 on behalf of children and youth in 2013–2014.

As personal identification is a key element to securing financial benefits, the PGT applies for birth certificates and social insurance cards for all children and youth in care. In 2013–2014, PGT staff applied for 549 birth certificates from BC Vital Statistics.

All funds collected by the PGT are held in trust accounts in the child's name until the child or youth reaches age 19. While the PGT has statutory discretion to consider the release of funds for special opportunities which directly benefit the child or youth, the primary responsibility for the child's day to day needs and financial support remains with their personal guardian (MCFD/DAAs). As such, the majority of funds collected on behalf of children and youth in care are preserved until age 19.

THE PGT IN ACTION

Survivor's Children's Benefit

Phillip was recently brought into permanent care by the MCFD. The PGT sent a request for information to Phillip's social worker to learn more about his circumstances and to determine if there were any financial or legal entitlements available for him. The social worker provided information to the PGT that Phillip's mother had died six months ago. The PGT was able to contact the Income Security Program, Canada Pension Plan (CPP) and confirm Phillip's eligibility for the Survivor's Children's Benefit. Phillip is now receiving over $200 each month which is being held in trust until he turns 19 when he can use these funds to further his goals.

CRITICAL INCIDENT REPORTS

The PGT receives notification from MCFD/DAAs of critical injuries and serious incidents involving children and youth in continuing care through critical incident reports (CIRs) or through the annual update reports. The nature of the incidents described within the reports is varied, ranging from a child or youth leaving a foster home without permission, to a child being involved in a motor vehicle accident, or abused or harmed. These reports are investigated and may lead to a legal claim being pursued on behalf of a child who has suffered a loss. In 2013-2014, 625 CIRs were received by the PGT involving 397 children and youth. Some of the children and youth were the focus of more than one CIR during the year. PGT staff act quickly to review CIRs as immediate action may be required to preserve the right to advance a legal claim.

The PGT classifies the reported injury or harm according to categories adapted from the World Health Organization International Classification of Diseases. Where an injury was caused by a person who directly harmed a child or youth, the person is identified as an alleged harmer, and is classified according to categories adapted from the International Classification of External Causes of Injuries (see PGT Classification of Critical Incident Reports on pages 24-25).

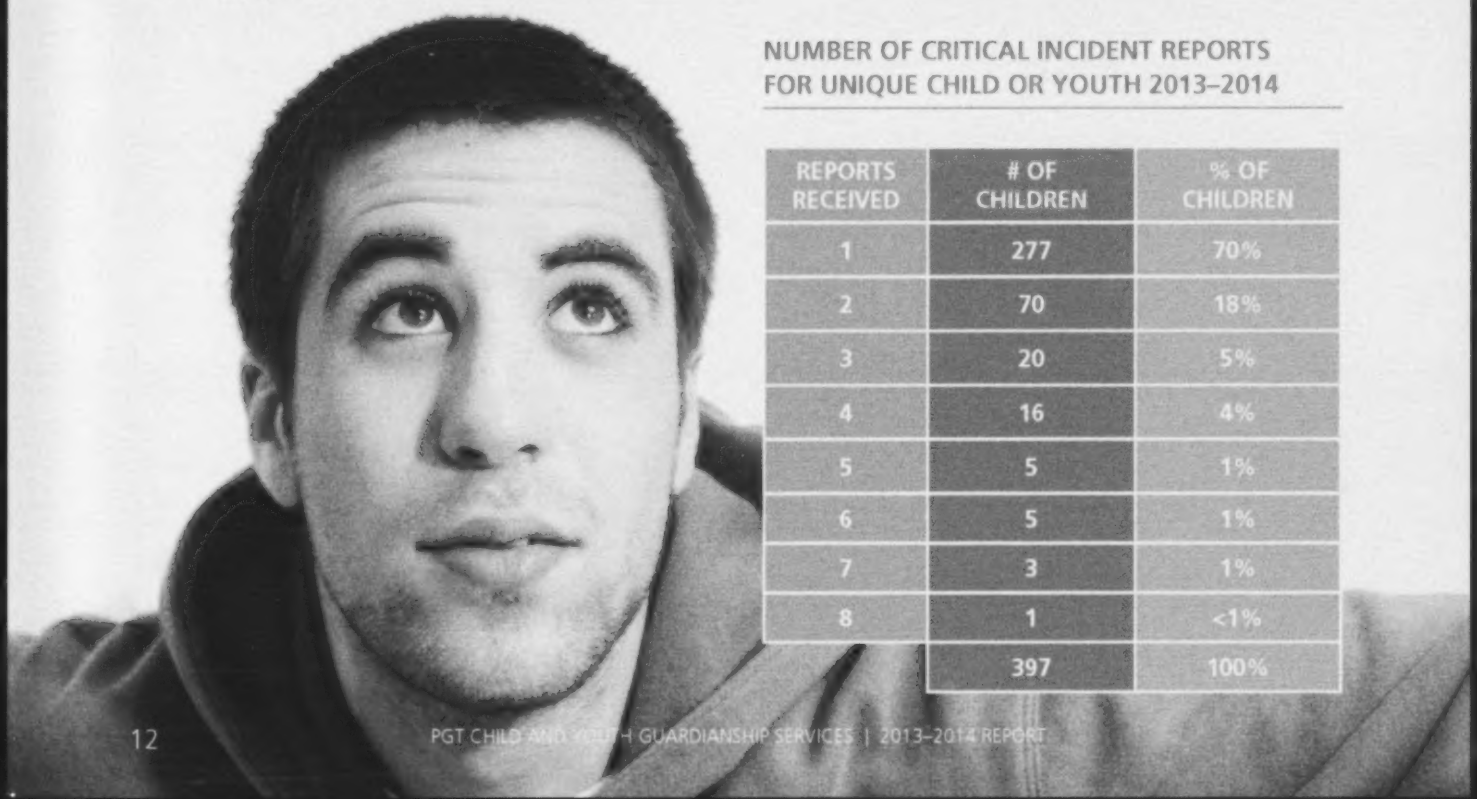
THE PGT IN ACTION

Investigating an Incident of Harm

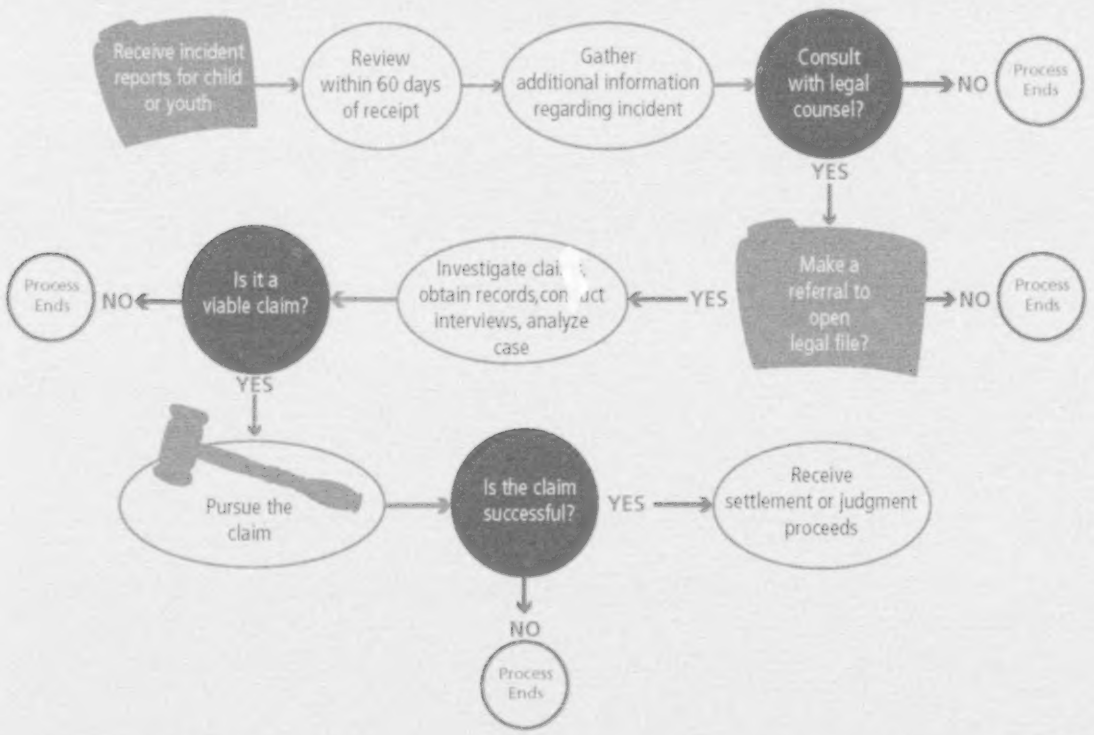
When walking home from school with her friends, Emily was hit by a car while in a crosswalk. Emily was taken to the hospital by an ambulance and diagnosed with a mild concussion. She missed a few days of school and a few shifts at her part time job and couldn't participate in her sporting activities for several months after the accident. Emily's social worker sent a report to the PGT shortly after the accident. A Guardianship and Trust Officer collected additional information about the incident and Emily's injuries. A legal referral was made to a PGT lawyer to assess Emily's injuries and recovery in order to determine whether to pursue a personal injury claim against the driver of the vehicle which struck her.

NUMBER OF CRITICAL INCIDENT REPORTS FOR UNIQUE CHILD OR YOUTH 2013–2014

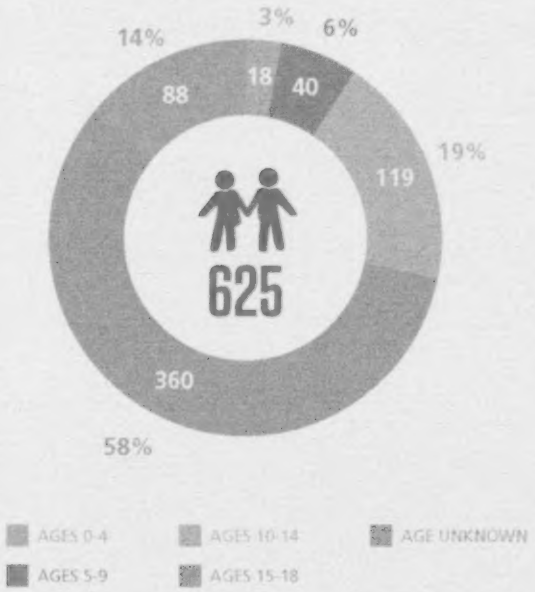
REPORTS RECEIVED	# OF CHILDREN	% OF CHILDREN
1	277	70%
2	70	18%
3	20	5%
4	16	4%
5	5	1%
6	5	1%
7	3	1%
8	1	<1%
	397	100%



PGT RESPONSE TO CRITICAL INCIDENT REPORTS 2013–2014

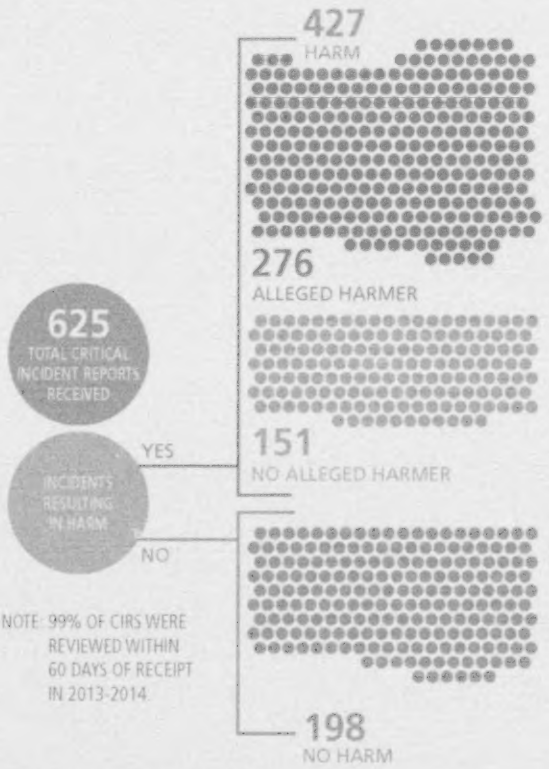


AGE OF CHILD OR YOUTH ON DATE OF INCIDENT 2013–2014



NOTE: "UNKNOWN" IS USED WHEN THE EXACT DATE OF THE INCIDENT IS UNKNOWN OR WHEN AN INCIDENT OCCURRED OVER A PERIOD OF TIME.

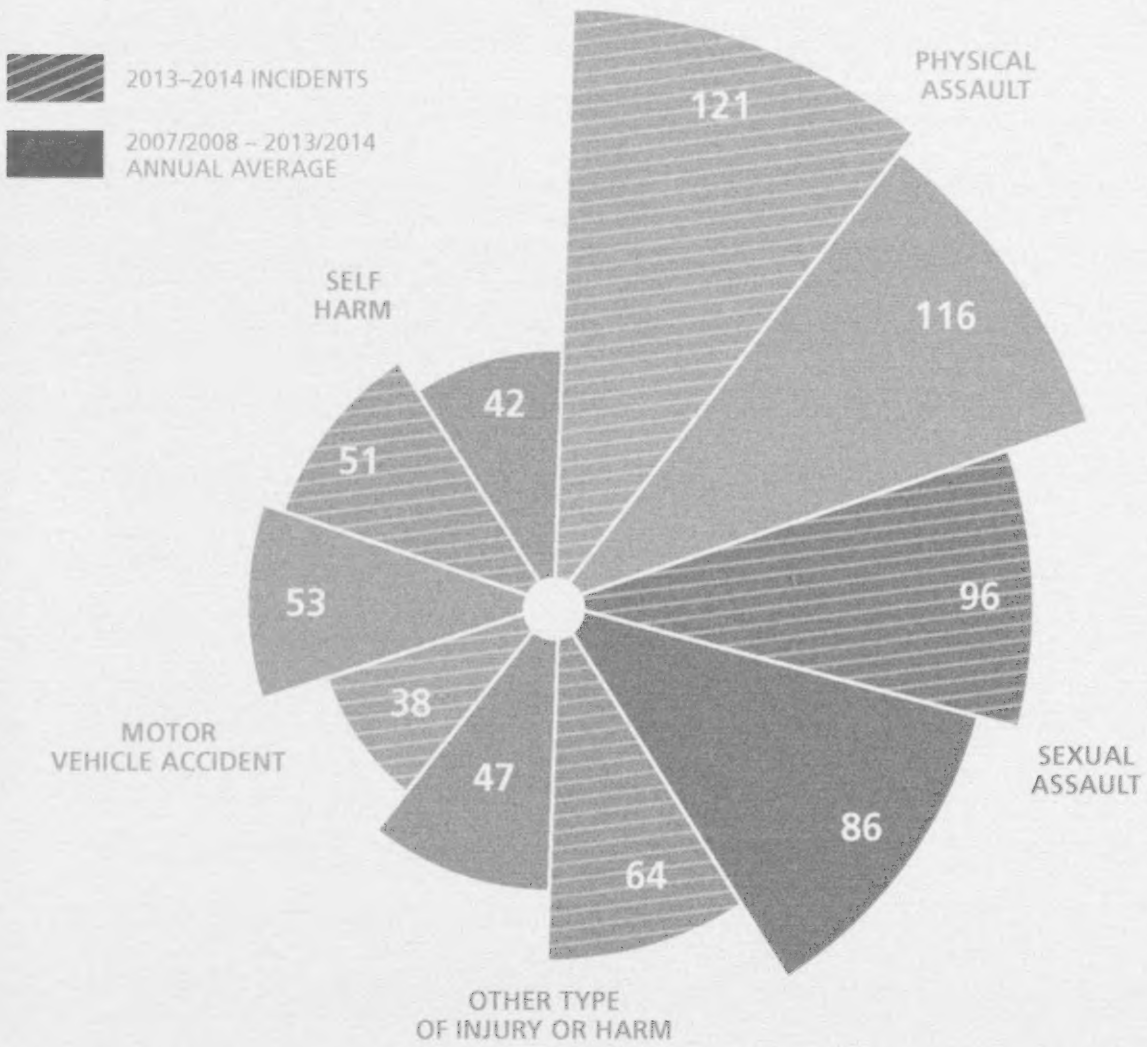
NUMBER OF CIRS THAT REPORTED HARM OR NO HARM TO A CHILD OR YOUTH 2013–2014



NOTE: 99% OF CIRS WERE REVIEWED WITHIN 60 DAYS OF RECEIPT IN 2013-2014.

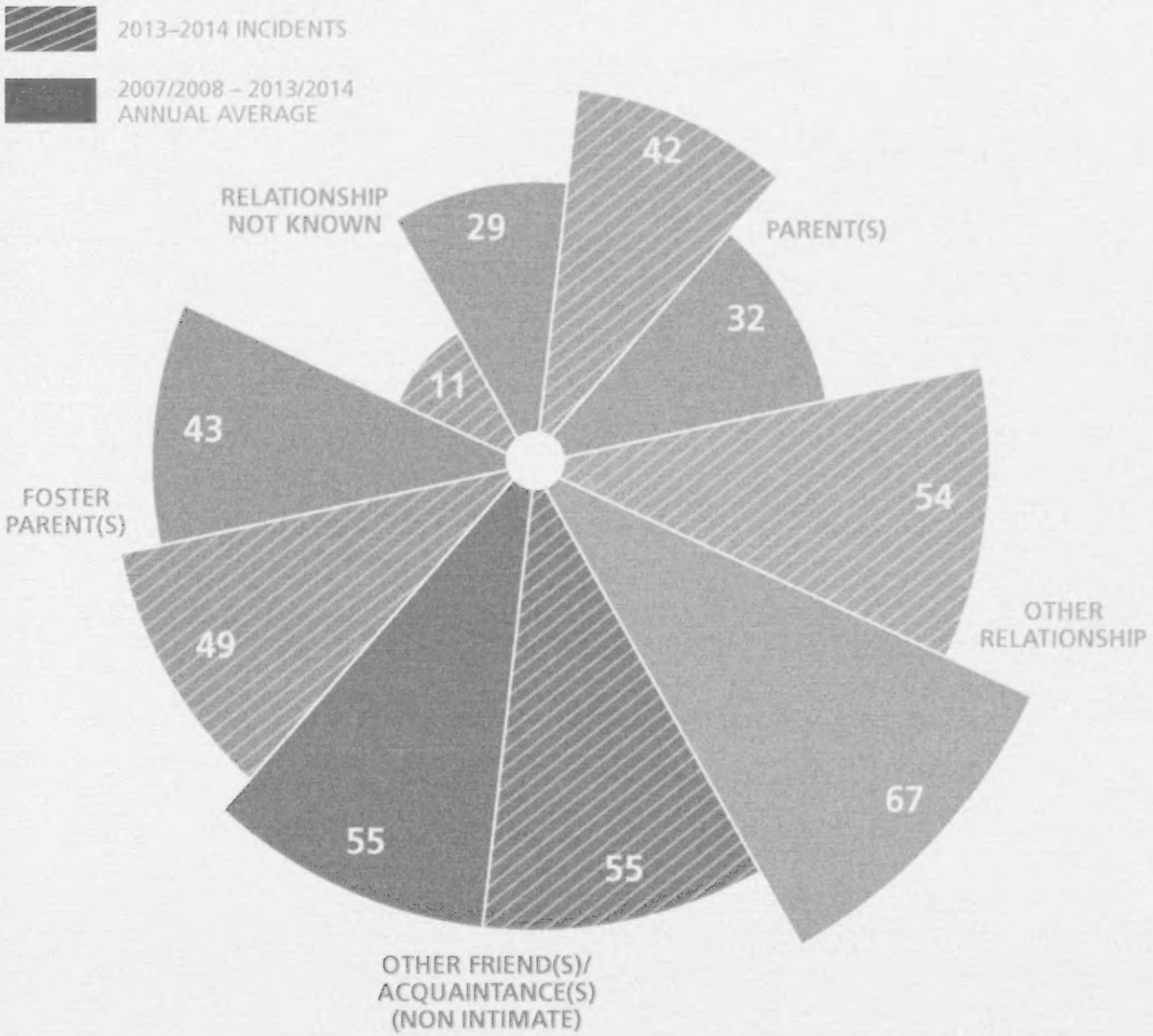
FIVE MAJOR CATEGORIES OF HARM EXPERIENCED BY CHILDREN AND YOUTH

As the Five Major Categories of Harm Experienced by Children and Youth graph demonstrates, "physical assault" is the most common type of harm reported to the PGT and the majority of physical assault related injuries were suffered by youth who were aged 15 to 18 years at the time of the incident. The category "other type of injury or harm" is broad but particularly includes incidents where a child or youth was hospitalized due to severe intoxication by drugs or alcohol. The category of "self harm" describes incidents where the child or youth intentionally caused self inflicted injury.



FIVE MAJOR CATEGORIES OF ALLEGED HARMERS

The category of alleged harmers varies according to the type of injury or incident at issue. The category of "other relationship" to define an alleged harmer is applied to incidents in which there could be more than one harmer or where the alleged harmers did not fall into any other defined category. For example, the category of "other relationship" applies to alleged harmers where the incident at issue is a motor vehicle accident. This is due to the fact that when the PGT is provided with the CIR, it is not possible to determine who may be responsible for any injuries sustained by the child or youth.



LEGAL SERVICES

The PGT provides a wide range of legal services for children in care. These services include:

- responding to applications to cancel a continuing custody order;
- monitoring the administration of a deceased person's estate in which a child may have an interest;
- investigating whether a child or youth has a viable claim under the *Family Compensation Act* in relation to the wrongful death of a parent; and
- investigating incidents of injury or harm to a child for which a third party may be liable, and pursuing legal claims where appropriate.

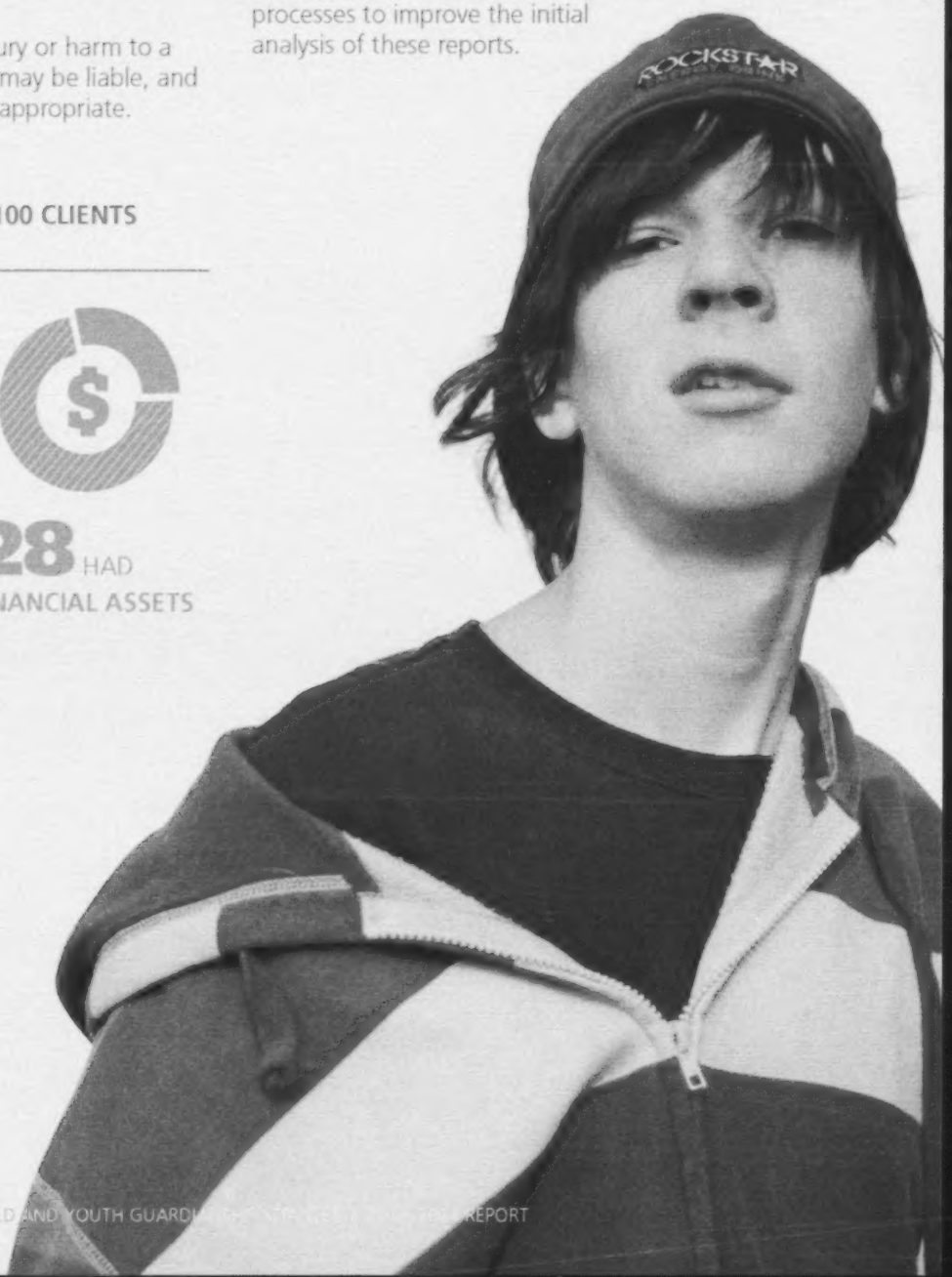
In 2013-2014, 143 new legal files were opened and 179 were concluded. Legal claims related to personal injury arising from sexual assault are consistently the largest category of potential civil claims, comprising 32% of legal referrals over the year.

Since the introduction of automated reporting of critical incidents from MCFD/DAAs to the PGT in 2007, the number of incidents reported has grown significantly to 625 reports in 2013-2014. Over the last several years, the PGT has developed more efficient business processes to improve the initial analysis of these reports.

IMAGINED AS A VILLAGE OF 100 CLIENTS AS OF MARCH 31, 2014:

9 WERE INVOLVED WITH **LEGAL REFERRALS**

28 HAD **FINANCIAL ASSETS**



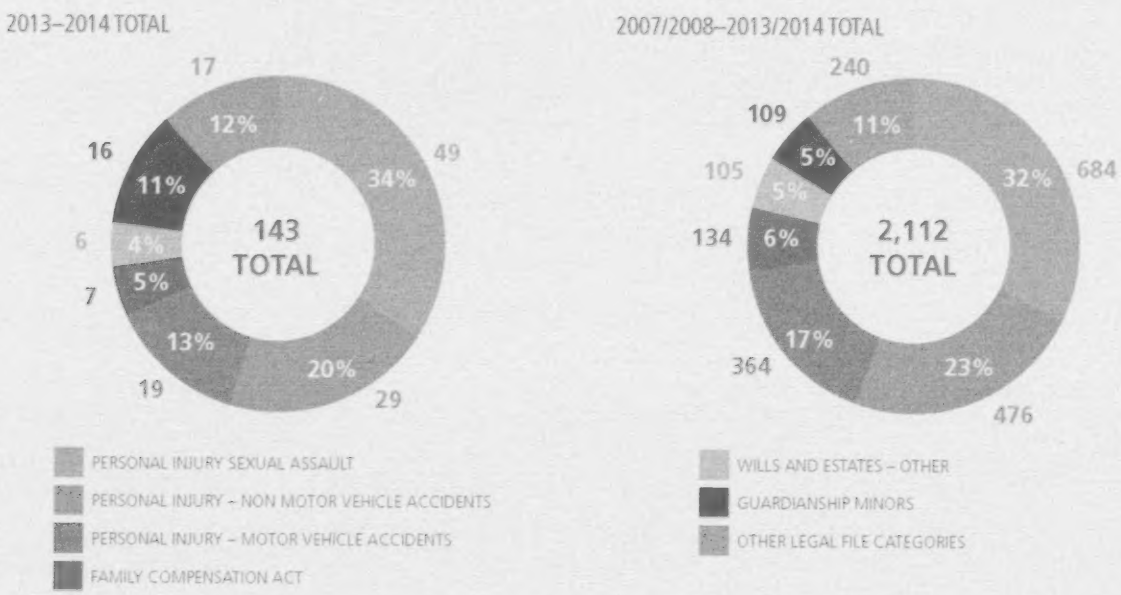
As a result, legal files are only opened where the PGT believes that a viable legal claim exists.

Of the 1,726 legal files opened between 2007-2008 and 2013-2014, 467 were still pending at March 31, 2014.

There are several outcomes to legal referrals. Generally, conduct of an ongoing legal action is transferred to the young adult on reaching the age of majority or the youth is provided with a letter advising of their legal rights. Legal actions may also result in a judgment or settlement of the claim. Between 2007-2008 and 2013-2014, the PGT collected over $9 million from legal actions commenced on behalf of children and youth, including approximately $275,000 in 2013-2014.

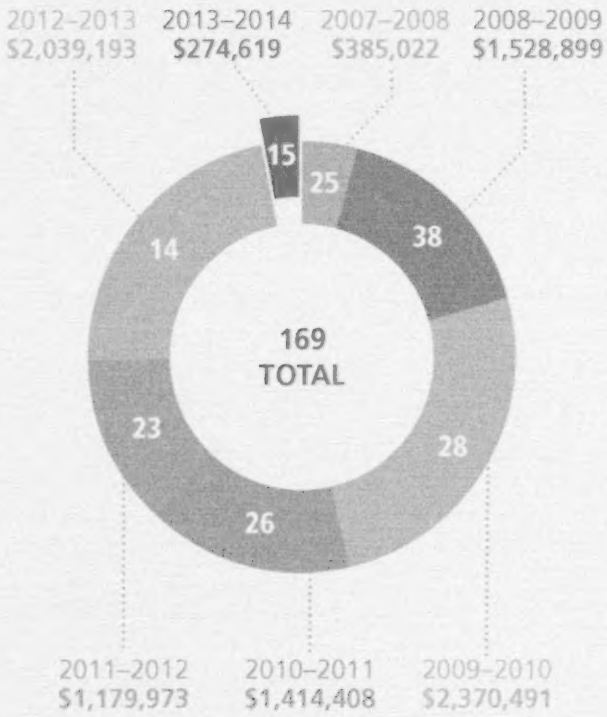
OPENED AND CLOSED LEGAL WORK FOR PROPERTY GUARDIAN CLIENTS BY YEAR

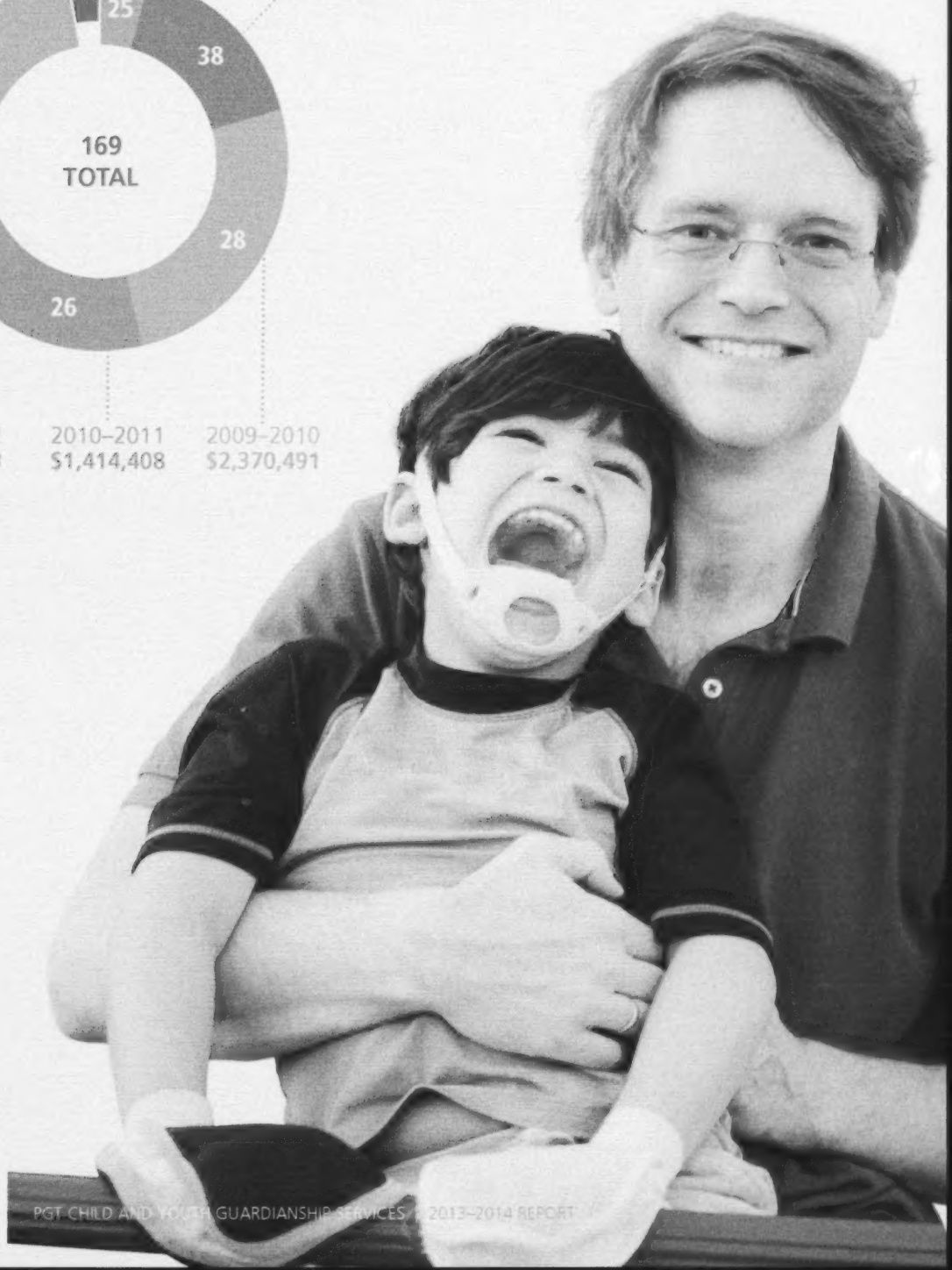
TYPE OF LEGAL WORK FOR PROPERTY GUARDIAN CLIENTS



AMOUNTS COLLECTED FROM LEGAL CLAIMS MADE ON BEHALF OF PROPERTY GUARDIAN CLIENTS

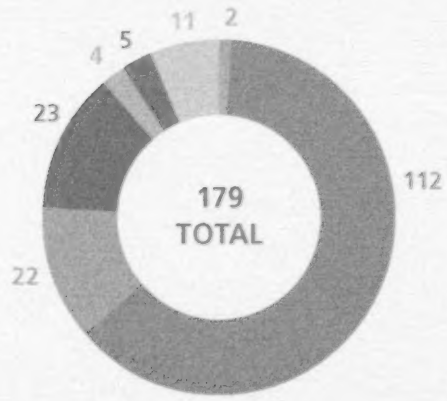
2007/2008–2013/2014 TOTAL AMOUNT COLLECTED **$9,192,605**





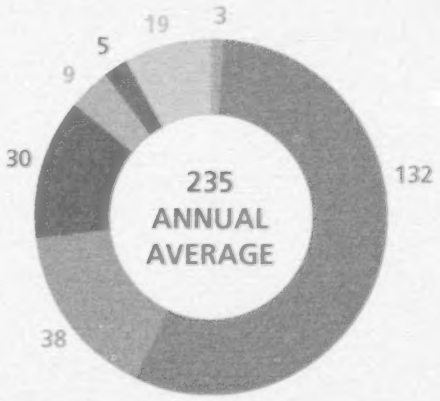
OUTCOME OF LEGAL PROPERTY GUARDIAN WORK

2013–2014



- TRANSFERRED TO OTHER PGT AUTHORITY POST MAJORITY
- CLIENT ASSUMED CONDUCT OF LEGAL ACTION OR LEGAL INFORMATION LETTER PROVIDED POST MAJORITY
- LEGAL ACTION NOT PURSUED OR CHILD DECEASED PRIOR TO ACTION BEING CONCLUDED
- OTHER

2007/2008–2013/2014
ANNUAL AVERAGE



- INFORMATION TRANSFERRED TO OTHER PROPERTY GUARDIAN
- COURT AWARD MADE
- SETTLEMENT REACHED

THE PGT IN ACTION

Legal Services Story

Marlena's and Jeremiah's social worker advised the PGT that their father recently died. Their father had a will and assets, but did not name Marlena and Jeremiah as beneficiaries in his will. The PGT retained counsel and made a claim to vary their father's will. The PGT was able to negotiate a settlement on behalf of Marlena and Jeremiah, securing estate proceeds for them that they otherwise would not have received.

TRANSITION SERVICES

The PGT role as property guardian typically ends when a youth reaches 19 years of age, the age of majority in British Columbia. Other events may end PGT authority prior to age 19 including adoption, a transfer of guardianship or the canceling of a continuing custody order. On average, 79 children and youth transition out of continuing care each month.

When a youth has assets and/or complicated and ongoing legal issues, the PGT commences transition planning with the social worker and youth, if appropriate, when the youth reaches 17 years of age. The PGT also liaises with the youth's support network and relevant service providers, such as Community Living BC (CLBC), to best support the youth as they transition to adulthood. Through these conferences and discussions, the PGT seeks information on the youth's ability to manage their financial assets or legal issues and what supports are required to assist the youth. Both formal and informal supports are explored as the PGT collaborates with involved parties to determine the most effective, least intrusive, means of assisting the youth with their financial assets or legal issues as the youth transitions to adulthood. Financial literacy information is also provided to help prepare youth to independently manage trust funds held for them by the PGT.

Where there is information which suggests that a youth may be incapable of managing their ongoing financial and legal affairs as an adult, and there is no support network willing and able to assist, ongoing services from the PGT Services to Adults may be required. In 2013-2014, the PGT was appointed to act as committee of estate under the *Patients Property Act* for five former children in continuing care.

COMMUNITY ENGAGEMENT AND OUTREACH

The PGT participates and partners with other government and community youth serving agencies in events and forums which support children and youth who are in or were formerly in the continuing care of the province. The PGT regularly participates in National Aboriginal Day, Gathering Our Voices Aboriginal Youth Conference and BC Child and Youth in Care Week. The PGT also regularly attends and participates in youth engagement activities at the Broadway Youth Resource Centre (BYRC) and is a quarterly contributor to the Federation of BC Child and Youth in Care Networks' Power Pages magazine. Information regarding PGT services is provided to community child and youth serving agencies as opportunities arise throughout the year and training about the role of the PGT is provided quarterly to new social workers through the Indigenous Perspective Society.

The PGT also continues to participate as a member of the provincial Services to Adults with Developmental Disabilities (STADD) committee, the Representative for Children and Youth (RCY) external advisory committee and the Indigenous Financial Literacy (IFLC) committee.

The PGT facilitates a broad range of financial literacy workshops at various agencies around the province. In the past year, the PGT provided monthly financial literacy training at the Vancouver Aboriginal Child and Family Services Society (VACFSS) as part of the VACFSS life skills workshop for youth. The PGT is an ongoing participant in the Strive program - a joint project developed by MCFD and the YWCA Metro Vancouver intended to assist youth who are transitioning out of government care to gain life and work skills. As part of the program, the PGT conducts workshops on financial literacy and provides hands-on information and guidance on financial values, goals, budgeting and banking.

The PGT also partnered with the BYRC to offer monthly financial literacy workshops to youth through Phones for Change, a pilot program funded by Virgin Unite. This one year program provided 12 youth with a refurbished smart phone from Virgin Mobile in exchange for the youth's commitment to a $20 monthly phone payment, participation in monthly workshops and monthly one to one meetings. PGT staff and the Phones for Change Program Coordinator cofacilitated the monthly workshops based on a youth focused financial literacy curriculum developed by the PGT, "Dollars and Sense". Some of the positive outcomes included access to an affordable phone plan, securing employment, establishing and improving housing and accessing educational programs.

In some instances, the outreach and financial literacy workshops provided by the PGT extend to youth who fall into the 19 – 24 year range. While the PGT has not been given a legislative mandate to do so, services are being provided as situations arise and resources allow. The PGT considers financial literacy essential to the ability of youth to successfully transition to adulthood and manage independently as young adults.

CHALLENGES IN THE YEAR AHEAD

In order to provide the most effective and meaningful property guardianship services possible, the PGT continuously attempts to address continuing and emerging challenges.

ACCESS TO INFORMATION

In order to pursue all available financial benefits and to protect the legal interests of children and youth, the PGT must rely not only on being notified of pertinent issues by individual social workers from both MCFD and DAAs but also on receiving requested file records from MCFD in a timely manner.

Information delays and/or the omission of information from social workers regarding a child or youth can result in the loss of financial benefits or the interference with a child or youth legal claim. As an example, the Canada Pension Plan has an 11 month retroactivity rule. Where the PGT is not notified of the death of child's parent within 11 months following the death, the PGT is not able to secure for the child the full benefits to which the child is entitled. Similarly, if the PGT is not notified that a child or youth has been injured or harmed, the PGT is not able to take appropriate action to assess whether a child may be entitled to compensation for injury and loss through a civil claim for damages.

Where the PGT has been notified that a child has been injured or harmed and is investigating potential legal claims on behalf of the child, production of the MCFD and DAA file records is usually requested in order to obtain all relevant facts concerning the potential claim. All of the PGT requests for MCFD and DAA records are processed through MCFD's Disclosure and Document Management division. Over the last several years, the PGT has had growing concerns regarding the length of time it takes MCFD to produce records. The PGT has been working with MCFD to prioritize requests for record production and has also revised its own request process to seek production of only specific records instead of entire files and, where possible, to restrict records requests to situations where a child is under 17 years of age. Despite the PGT's efforts to narrow the scope of its requests for production of records overall, MCFD's production of these records has not improved. MCFD's continuing delayed response to the PGT's request for production of records containing evidence critical to the protection of the legal interests of children and youth in care is problematic and interferes with the PGT's ability to act as property guardian.

While the PGT has submitted more than 400 requests for records to MCFD between April 1, 2008 and March 31, 2014, only 55% of these requests have been responded to by MCFD. Of the records requests that have not been addressed by MCFD, approximately 20% had to be abandoned due to the child turning 19 years and the PGT no longer having the authority to receive the records to investigate the child's legal claims. As of March 31, 2014, there were approximately 100 (or 25%) of the PGT records requests which remained outstanding with MCFD, some of which were requested over 5 years ago.

The implications for children and youth resulting from the PGT not obtaining timely access to information and records is that the PGT has insufficient time to investigate and advance potential civil claims on behalf of these children and in many instances, must instead focus on providing legal information and direction to youth transitioning out of care. This outcome is problematic as many of the youth aging out of care are vulnerable and have little or no support to assist them in taking a legal claim forward, resulting in the potential loss of compensation for the injury or harm they have experienced.

Even more problematic is that fact that in cases where MCFD is a potential defendant in a civil claim brought on behalf of a child or youth in care, MCFD's failure to produce records critical to the advancement of the civil claim is an apparent conflict of interest. By not producing records, MCFD may be perceived to be shielding itself from liability.

In an effort to obtain timely production of records from MCFD concerning its property guardian clients, the PGT will be applying to the courts for orders appropriate in a given case for production of records in the control of MCFD. It is unfortunate that a less costly and more co-operative approach to record production has not been successful to date.

LAW REFORM

As noted in previous reports, the Family Law Act has clarified parental roles and duties and provided meaningful guidance to private guardians of children. However, the nature and scope of public guardianship duties for both MCFD and the DAAs as personal guardians and for the PGT as property guardian have not been addressed in the law. The existing BC statutory framework for public guardianship continues to be based on the law of England in 1660.

Modernizing the definition of public guardianship may also offer opportunities to address gaps between legislation and practice that have resulted in property guardian services not being available to children and youth who are in long term care but for whom a continuing custody order has not been issued. Alternative care arrangements provide greater flexibility in meeting the needs of personal guardians but fail to offer the children in such care arrangements the protections of property guardianship. The PGT continues to advocate for this very important law reform initiative.

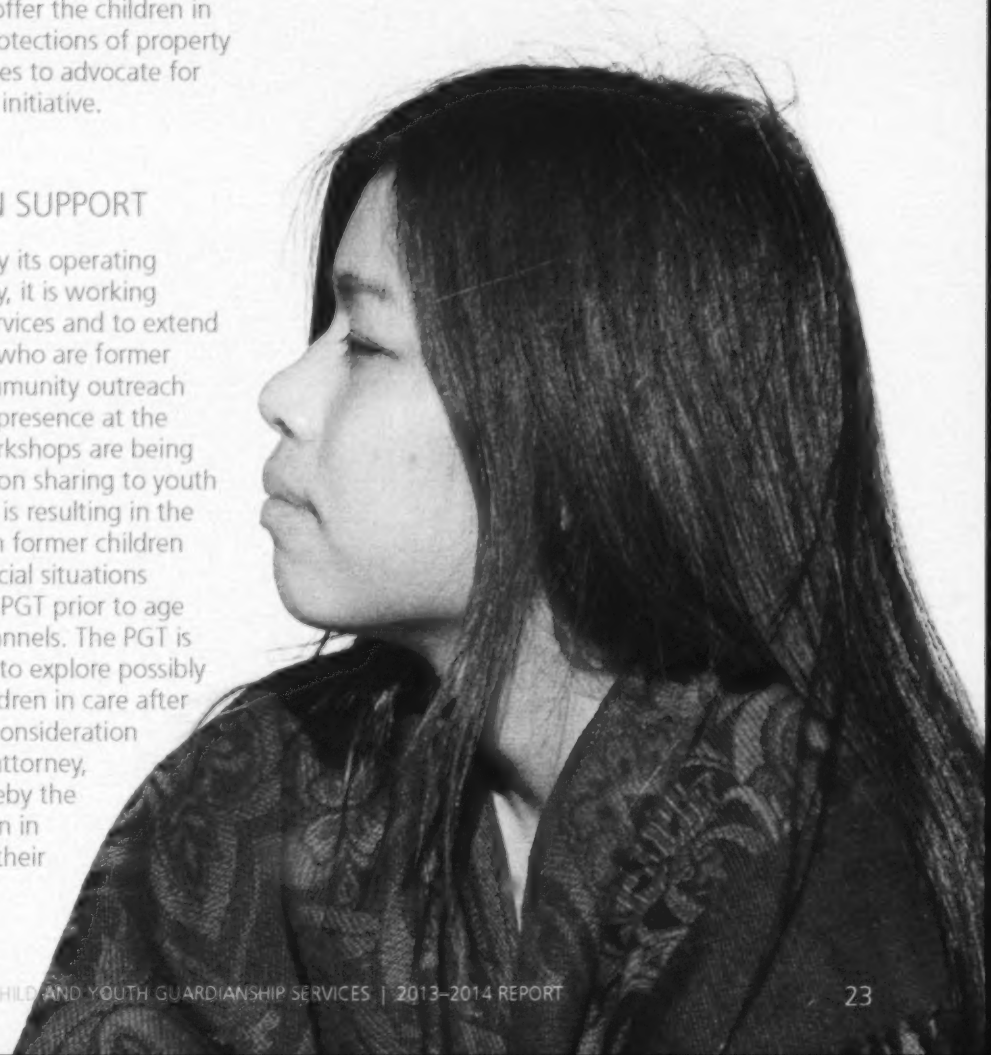
ENHANCED TRANSITION SUPPORT

While the PGT is constrained by its operating budget and legislative authority, it is working creatively to build transition services and to extend these services to young adults who are former children in care. Currently, community outreach opportunities such as the PGT presence at the BYRC and financial literacy workshops are being maximized to extend information sharing to youth in the 19 – 24 year range. This is resulting in the PGT receiving information from former children in care regarding legal or financial situations which was not received by the PGT prior to age 19 through the established channels. The PGT is reviewing its existing mandate to explore possibly expanding trust services to children in care after age 19. One possibility under consideration is the PGT acting as power of attorney, a voluntary arrangement whereby the PGT could assist former children in care with the management of their finances or legal issues.

THE PGT IN ACTION

Direct Benefits to Children and Youth from the PGT Community Outreach Efforts

Through the PGT commitment to attending the Broadway Youth Resource Centre (BYRC) monthly, the importance of community outreach is reinforced by individual stories of how the information and services provided by the PGT have assisted individual youth. A PGT staff member who regularly attends the BYRC to provide information sessions to youth and BYRC staff was contacted by a Transition Worker requesting that she meet with a youth. The PGT staff member met with the youth and learned more about the youth's life, family and current situation – information that had never been provided to the PGT previously through formal channels. The PGT was then able to secure further financial benefits and investigate a potential legal claim on the youth's behalf.



PGT CLASSIFICATION OF CRITICAL INCIDENT REPORTS

A. INCIDENT TYPES The PGT reviews critical incident reports from MCFD and DAAs upon receipt and categorizes the reported incident types according to classifications adapted from the extensive World Health Organization International Classification of Diseases. For more information see the complete classification system at who.int/classification/icd/en

The PGT sorts CIRs according to all of the following categories. However, for clarity in reporting, these categories are grouped as below to reflect the five major groupings of types of incidents that are most frequently reported with all other incident types grouped as "other."

1. PHYSICAL ASSAULT – Injuries inflicted by another person with intent to injure or kill, by any means. Includes corporal punishment, assault that does not result in an injury, and injuries inflicted by the police or other law enforcement agents on duty.

2. SEXUAL ASSAULT – Sexual assault or abuse, including rape, sexual interference, sexual touching and invitation to sexual touching, sexual exploitation or similar actions.

3. MOTOR VEHICLE ACCIDENTS
(includes the following incident types):

   - Motor vehicle accident – child cyclist – Child was riding on a pedal cycle and involved in a collision or non collision injury associated with a motor vehicle.
   - Motor vehicle accident – child driver – Motor vehicle accident where the child was the operator of the motor vehicle excluding motorized bicycle.
   - Motor vehicle accident – child passenger – Motor vehicle accident where the child was a passenger in the motor vehicle.
   - Motor vehicle accident – child pedestrian – Child was a pedestrian injured in any collision or non collision traffic incident involving a motor vehicle.

4. OTHER TYPE OF INJURY OR HARM TO CHILD
(includes the following incident types):

   - Other type of injury or harm to child – The following are examples of incidents in this category: environmental; poisonings (accidental); foreign body; machinery in operation; overexertion; firearms; other and unspecified environmental exposures and unspecified accidental causes.

5. SELF HARM
(includes the following incident types):

   - Self inflicted injury – All intentionally self inflicted injuries except those resulting from suicide attempts or suicide.
   - Suicide attempts – Suicide attempts where child survived.

6. ALL OTHER INCIDENT TYPES
(includes the following incident types):

   - Cutting / piercing – Injury caused by cutting or piercing instrument or object. Excludes assault with a sharp object and self inflicted injury with a sharp object.
   - Death – The reported incident was that the child's death was accidental, homicide, natural death, or suicide.
   - Dog bite – Injuries resulting from a dog bite.
   - Drowning / submersion – Accidental drowning or submersion involving watercraft, fall or activity in water resulting in resuscitation / medical attention excluding intent to self harm.
   - Fall – Falls due to accidental pushing or collision with other person, or diving or jumping into water.
   - Fire / flames / hot substances – Injuries caused by fire and flames; hot appliances, objects or liquids; steam; acid burns.

- Medical condition – Illnesses or complications arising from surgery, medical care or medical treatment including hospitalizations due to medical illness.
    - Non motor vehicle cycle accident – Child was injured in a non motor vehicle incident involving a pedal cycle including falls from bicycle.
    - Physical and sexual assault – An incident where both physical and sexual assault are believed to have occurred.
    - Struck by object – Child was struck by falling object, striking against or struck by persons or objects, or caught unintentionally between objects excluding motor vehicle.
    - Suffocation – Inhalation and ingestion of food or objects causing obstruction of respiratory passage, or suffocation, unintentional mechanical suffocation, and smothering or choking.

B. ALLEGED HARMERS This category identifies the relationship to the child of the person alleged to have harmed the child (intentionally or by accident). This category does not include agencies that may have a legal responsibility to care for the child (e.g., MCFD or DAA). It was adapted from the extensive International Classification of External Causes of Injuries. For more information, see the complete classification at: rivm.nl/who-fic/ICECI/ICECI_1-2_2004July.pdf

The PGT sorts alleged harmers according to all of the following categories. However, for clarity in reporting, these categories are grouped as below to reflect the five major groupings of types of alleged harmers that are most frequently reported with remaining categories of alleged harmers grouped as "all other alleged harmers."

The alleged harmer category of relationships includes:

1. Other relationship includes incidents in which there could be more than one harmer or where the alleged harmers did not fall into any other defined group.
2. Other friend(s) / acquaintance(s) (does not include intimate partners).
3. Foster parent(s)
4. Relationship not known
5. Parent(s)
6. All other alleged harmers (includes the following categories):
    - Another child(ren) in care.
    - Boyfriend / girlfriend / spouse – includes intimate partner(s).
    - Other relative(s).
    - Person(s) in official; or legal authority – includes: teachers, church ministers, sports coaches, police, guards, etc.
    - Stranger(s).
    - Unrelated caregiver(s) – includes child care provider(s).

General Inquiries

Public Guardian and Trustee of British Columbia
700-808 West Hastings Street, Vancouver, BC V6C 3L3

Phone 604.660.4444

Fax 604.660.0374

Email mail@trustee.bc.ca

Website www.trustee.bc.ca

Toll free calling is available through Service BC. After dialing the appropriate number for your area (see below), request to be transferred to the Public Guardian and Trustee.

Vancouver 604.660.2421

Victoria 250.387.6121

Other areas in BC 1.800.663.7867

PGT hours of operation Monday to Friday 8:30 am to 4:30 pm